

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

CHRISTOPHER HORTON

VS.

CASE NUMBER: 1:08-cv-513 (GTS/RFT)

**DONALD WILLIAMS, D.A. and
BERNARD KELLER, INVESTIGATOR,**

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Defendant Williams's motion to dismiss all claims against him for failure to state a claim (Dkt. No. 64) is GRANTED; and it is further

ORDERED that Defendant Keller's motion for summary judgment (Dkt. No. 69) is GRANTED in part and DENIED in part in that Plaintiff's claims for false imprisonment and due process are DISMISSED with prejudice; and Plaintiff's claim for defamation is DISMISSED without prejudice; and it is further

ORDERED that Plaintiff's claim of defamation against Defendant Keller, asserted in Plaintiff's Complaint (Dkt. No. 2), is DISMISSED without prejudice to refiling in New York State Court within THIRTY (30) DAYS of this Decision and Order, pursuant to 28 U.S.C. § 1367(d); and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 2) is DISMISSED with prejudice.

All of the above pursuant to the order of the Honorable Judge Glenn T. Suddaby, dated the 24th day of August, 2010.

DATED: August 24, 2010


Clerk of Court

/s

L. Welch
Deputy Clerk